

power to decree in such case as if such infant were of full age, or such *non compos mentis* of sound mind.

For cases involving the act of 1773, ch. 7, see *Partridge v. Dorsey*, 3 H. & J. 302; *Owings' Case*, 1 Bl. 407.

Cited but not construed in *Hamilton v. Traber*. 78 Md. 32; *Jones v. Bitsworth*, 3 Bl. 193.

1904, art. 16, sec. 96. 1888, art. 16, sec. 85. 1860, art. 16, sec. 72. 1773, ch. 7, sec. 2. 1778, ch. 22, sec. 4. 1785, ch. 80, sec. 2. 1791, ch. 79, sec. 4. 1841, ch. 259.

100. Where an infant, or person *non compos mentis*, is entitled to any real or personal property in this State bound by any contract, or where an infant or a *non compos mentis* claims any right in such property under any contract, the court, in either case, shall have the same power to decree the execution of such contract, or to pass any just and proper decree that the court would have if all the parties were of full age and sound mind; provided, that in all decrees for specific performance of a contract against an infant, such infant may, at any time within six months after he arrives at full age, have review of such decree; and if such infant dies under age, his heir or proper representative may have a review of such decree either within six months after the death of such infant, or within six months after such heir or representative attains full age.

What proof may be resorted to by an infant who files a petition under this section after becoming of age: he is not bound by the answer of his guardian if he dissents in time. A re-conveyance ordered. *Prutzman v. Pitesell*, 3 H. & J. 77.

Ibid. sec. 97. 1888, art. 16, sec. 86. 1800, art. 16, sec. 73. 1778, ch. 22, sec. 2. 1818, ch. 193, sec. 8. 1819, ch. 183.

101. The court may, with the assent of the guardian of an infant, or the trustee or committee of a person *non compos mentis*, and the consent of the other persons of full age and sound mind, who may be interested, decree the sale of the real estate of such infant or person *non compos mentis*, to save the personal.

Only those interested in both the real and personal property can institute suit to have the real estate sold to save the personalty, and the creditors must be protected. The suit must be treated as a creditor's suit. *Waring v. Waring*, 2 Bl. 674.

Cited but not construed in *Stein v. Stein*, 80 Md. 309; *Williams' Case*. 3 Bl. 192.

Ibid. sec. 98. 1888, art. 16, sec. 87. 1860, art. 16, sec. 74. 1831, ch. 282, secs. 1, 2.

102. In any case where the surety of a sheriff, deputy sheriff or collector of taxes shall apply to the court, by bill or petition, the court, on being satisfied that such surety has suffered, or is likely to suffer loss or damage by reason of his suretyship, may appoint a trustee to complete his collections for the benefit of those concerned, and the court shall compel such sheriff, deputy sheriff or collector, or his representatives, to answer such bill or petition under oath, and disclose the state of his collections.

This section is a duplicate of art. 90, sec. 9.